

RECEIVED

FISH &amp; RICHARDSON P.C.

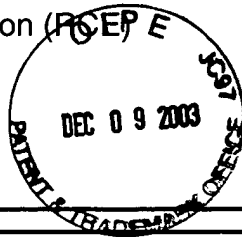
DEC 11 2003

Substitute Form PTO/SB/30 (5-03)

RES \$

#73  
12/11/03  
G. Conner

TECHNOLOGY CENTER R3700

Request  
For  
Continued Examination (RCE)  
TransmittalAddress to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/862,973
Filing Date	May 22, 2001
First Named Inventor	John H. Westerbeke
Group Art Unit	3747
Examiner Name	Jason Benton
Attorney Docket Number	00637-025001

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 C.F.R. §1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s)

  - ☐ Previously submitted. If a final Office action is outstanding, any amendment filed after the final Office action may be considered as a submission even if this box is not checked.
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - ☒ Enclosed
    - ☒ Amendment/Reply
    - ☐ Affidavit(s)/Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☐ Other \_\_\_\_\_
- Miscellaneous**

  - ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)
  - ☐ Other \_\_\_\_\_
- Fee** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

  - ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-1050
    - ☐ RCE fee required under 37 CFR 1.17(e) 12/10/2003 DTESSEH1 0000040 09862973
    - ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:2801 385.00 0P
    - ☒ Other Any deficiencies
  - ☐ Check in the amount of \$ 385 enclosed
  - ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Name (Print/Type)	David L. Schuler	Registration No. (Attorney/Agent)	51,190
Signature	<i>David L. Schuler</i>	Date	12/3/2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Lisa G. Gray	Date	December 12, 2003
Signature	<i>Lisa G. Gray</i>		